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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,206	01/22/2004	Toru Matsuda	247891US2	2349

22850   7590   01/24/2008

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EXAMINER
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ART UNIT	PAPER NUMBER
2167	

NOTIFICATION DATE	DELIVERY MODE
01/24/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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		Application No.	Applicant(s)
		10/761,206	MATSUDA ET AL.
Office Action Summary		Examiner	Art Unit	
		Susan F. Rayyan	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-23 are pending.

Specification

2.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: "session management unit", transaction management unit".

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 1-15 are directed to non-statutory subject matter. Each claim includes a

session management unit, a transaction management unit and a module. The

specification does not include a session management unit and a transaction

management unit however do describe a session management module and a

transaction management module. Examiner has interpreted these as software modules

and therefor the claims are software per se. Claims 1-15 are directed to non-statutory

subject matter.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5-6, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2003/0130945 issued to Michael Patrick Force et al ("Force") in view of US Patent Number 4,627,019 issued to Fred K. Ng ("Ng") in view of Pub. No. US 2003/0088677 issued to Hiroshi Yamamoto ("Yamamoto").

As per independent claim 1 Force teaches:

a session management unit configured to manage a series of session first processing steps and incidental information in a state where a session with a client is maintained (see paragraph 118, session management engine and client ID equates to incidental information);

and a transaction management unit configured to manage a series of indivisible transaction steps performed by using the function ... (paragraph 102, Transaction Processing Server and 120 predetermined transaction functions),

wherein the session management unit is configured to start the management of the session processing steps when an express management start request is received from the client (paragraph 119-120, Session Manager receives client request to perform operations) or when an implicit request to start management of the session processing steps other than the express management start request is received (paragraph 122 requests from unattended interface module).

Force does not explicitly teach performed by using a function that needs exclusive access control. Ng teaches a function that needs exclusive access control at column 1, lines 28-30 to provide synchronization of current access. It would have been obvious to

person of ordinary skill in the art at the time of the invention to modify Force with

exclusive access control to provide synchronization of current access as described by

Ng (column 1, lines 20-25).

Force and Ng do not explicitly teach by extending a time-out period, which

indicates how long the incidental information is stored, by an amount based on the

function that needs exclusive access control. Yamamoto does teach this limitation at

paragraph 13 and 58 as extending timeout intervals to prevent unintended session

timeouts. It would have been obvious to a person of ordinary skill in the art at the time

of the invention was made to modify Force in view of Ng with extending a time-out

period, which indicates how long the incidental information is stored, by an amount

based on the function that needs exclusive access control to prevent unexpected

session timeouts as described by Yamamoto (abstract).

As per independent claim 2 Force teaches:

a session management unit configured to manage a series of session first processing

steps and incidental information in a state where a session with a client is maintained

(see paragraph 118, session management engine and client ID equates to incidental

information);

and a transaction management unit configured to manage a series of indivisible

transaction steps performed by using the function ... (paragraph 102, Transaction

Processing Server and 120 predetermined transaction functions),

wherein the session management unit is configured to start the management of the

session processing steps when an express management start request is received from

the client (paragraph 119-120, Session Manager receives client request to perform

operations) and an implicit request to start management of the session processing

steps other than the express management start request is received (paragraph 119).

Force does not explicitly teach performed by using a function that needs exclusive

access control. Ng teaches a function that needs exclusive access control at column 1,

lines 28-30 to provide synchronization of current access at column 1, lines 20-25. It

would have been obvious to a person of ordinary skill in the art at the time of the

invention was made to modify Force with exclusive access control to provide

synchronization of current access at column 1, lines 20-25.

Force and Ng do not explicitly teach by extending a time-out period, which indicates

how long the incidental information is stored, by an amount based on the function that

needs exclusive access control. Yamamoto does teach this limitation at paragraph 13

and 58 as extending timeout intervals to prevent unintended session timeouts. It would

have been obvious to a person of ordinary skill in the art at the time of the invention was

made to modify Force in view of Ng with extending a time-out period, which indicates

how long the incidental information is stored, by an amount based on the function that

needs exclusive access control to prevent unexpected session timeouts as described by

Yamamoto (abstract).

As per independent claim 5 Force teaches:

a session management unit configured to manage a series of session first processing

steps and incidental information in a state where a session with a client is maintained

(see paragraph 118, session management engine and client ID equates to incidental

information);

and a transaction management unit configured to manage a series of indivisible

transaction steps performed by using the function ... (paragraph 102, Transaction

Processing Server and 120 predetermined transaction functions),

wherein the transaction management unit is configured to start the management of the

transaction processing steps when an express management start request is received

from the client or when an implicit request to start management of the transaction

processing steps other than the express management start request is received ... (

paragraph 102, Transaction Processing Server and 120 predetermined transaction

functions) .

Force does not explicitly teach performed by using a function that needs exclusive

access control. Ng teaches a function that needs exclusive access control at column 1,

lines 28-30 to provide synchronization of current access at column 1, and lines 20-25. It

would have been obvious to a person of ordinary skill in the art at the time of the

invention was made to modify Force with exclusive access control to provide

synchronization of current access at column 1, lines 20-25.

Force and Ng do not explicitly teach by extending a time-out period, which indicates

how long the incidental information is stored, by an amount based on the function that

needs exclusive access control. Yamamoto does teach this limitation at paragraph 13

and 58 as extending timeout intervals to prevent unintended session timeouts. It would

have been obvious to a person of ordinary skill in the art at the time of the invention was

made to modify Force in view of Ng with extending a time-out period, which indicates

how long the incidental information is stored, by an amount based on the function that

needs exclusive access control to prevent unexpected session timeouts as described by

Yamamoto (abstract).

As per independent claim 6 Force teaches:

a session management unit configured to manage a series of session first processing

steps and incidental information in a state where a session with a client is maintained

(see paragraph 118, session management engine and client ID equates to incidental

information);

and a transaction management unit configured to manage a series of indivisible

transaction steps performed by using the function ... (paragraph 102, Transaction

Processing Server and 120 predetermined transaction functions),

wherein the transaction management unit is configured to start the management of the

transaction processing steps when an express management start request is received

from the client and when an implicit request to start management processing steps

other than the express management start request is received ...(paragraph 102,

Transaction Processing Server and 120 predetermined transaction functions).

Force does not explicitly teach performed by using a function that needs exclusive

access control. Ng teaches a function that needs exclusive access control at column 1,

lines 28-30 to provide synchronization of current access at column 1, lines 20-25. It

would have been obvious to a person of ordinary skill in the art at the time of the

invention was made to modify Force with exclusive access control to provide

synchronization of current access at column 1, lines 20-25.

Force and Ng do not explicitly teach by extending a time-out period, which indicates

how long the incidental information is stored, by an amount based on the function that

needs exclusive access control. Yamamoto does teach this limitation at paragraph 13

and 58 as extending timeout intervals to prevent unintended session timeouts. It would

have been obvious to a person of ordinary skill in the art at the time of the invention was

made to modify Force in view of Ng with extending a time-out period, which indicates

how long the incidental information is stored, by an amount based on the function that

needs exclusive access control to prevent unexpected session timeouts as described by

Yamamoto (abstract).

As per claim 11 same as claim arguments above and Ng teaches:

**the transaction management unit is configured to receive a lock type ...
(column1, lines 26-35).**

As per claim 12 **same as claim arguments above and Ng teaches:**

wherein the transaction management unit is configured to receives a lock type...

(Column1, lines 26-35).

As per claim 13 same as claim arguments above and Ng teaches:

wherein the second management unit determines a classification of a lock request ...

(Column1, lines 26-35).

Claims 3-4, 7-10, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0130945 issued to Michael Patrick Force et al ("Force") in view of US Patent Number 4,627,019 issued to Fred K. Ng ("Ng") in view of US Patent Application Publication Number 2003/0200212 issued to Donald Edward Benson et al ("Benson") in view of Pub. No. US 2003/0088677 issued to Hiroshi Yamamoto ("Yamamoto").

As per independent claims 3 Force teaches:

a session management unit configured to manage a series of session first processing

steps and incidental information in a state where a session with a client is maintained

(see paragraph 118, session management engine and client ID equates to incidental

information);

and a transaction management unit configured to manage a series of indivisible

transaction steps performed by using the function ... (paragraph 102, Transaction

Processing Server and 120 predetermined transaction functions),

wherein the session management unit is configured to end the management of the

session processing steps when a management end request is received from the client

(paragraph 119-120, Session Manager to include end requests).

Force does not explicitly teach performed by using a function that needs exclusive access control. Ng teaches a function that needs exclusive access control at column 1, lines 28-30 to provide synchronization of current access at column 1, lines 20-25. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Force with exclusive access control to provide synchronization of current access at column 1, lines 20-25.

Force and Ng do not explicitly teach or when a time-out period expires. Benson does teach this limitation (paragraph 21, lines 4-5, end transaction call, paragraph 36, timestamp and Figure 2, Expire Timestamp). It would have been obvious to one of ordinary skill in the art the time of the invention to modify Force and Ng with when a time-out period expires to support synchronization/recovery (paragraph 36, lines 12-13).

Force in view of Ng in view of Benson do not explicitly teach by extending a time-out period , which indicates how long the incidental information is stored, by an amount based on the function that needs exclusive access control. Yamamoto does teach this limitation at paragraph 13 and 58 as extending timeout intervals to prevent unintended session timeouts. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Force in view of Ng in view of Benson with extending a time-out period, which indicates how long the incidental information is stored, by an amount based on the function that needs exclusive access control to prevent unexpected session timeouts as described by Yamamoto (abstract).

As per independent claim 4 Force teaches:

a session management unit configured to manage a series of session first processing

steps and incidental information in a state where a session with a client is maintained

(see paragraph 118, session management engine and client ID equates to incidental

information);

and a transaction management unit configured to manage a series of indivisible

transaction steps performed by using the function ... (paragraph 102, Transaction

Processing Server and 120 predetermined transaction functions),

wherein the session management unit is configured to end the management of the

session processing steps when a management end request is received from the client

(paragraph 119-120, Session Manager to include end requests).

Force does not explicitly teach performed by using a function that needs exclusive

access control. Ng teaches a function that needs exclusive access control at column 1,

lines 28-30 to provide synchronization of current access at column 1, and lines 20-25. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Force with exclusive access control to provide synchronization of current access

at column 1, lines 20-25.

Force and Ng do not explicitly teach or when a time-out period expires. Benson

does teach this limitation (paragraph 21, lines 4-5, end transaction call, paragraph 36,

timestamp and Figure 2, Expire Timestamp). It would have been obvious to one of

ordinary skill in the art the time of the invention to modify Force and Ng with when a time-out period expires to support synchronization/recovery (paragraph 36, lines 12-13).

Force in view of Ng in view of Benson do not explicitly teach by extending a time-out period , which indicates how long the incidental information is stored, by an amount based on the function that needs exclusive access control. Yamamoto does teach this limitation at paragraph 13 and 58 as extending timeout intervals to prevent unintended session timeouts. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Force in view of Ng in view of Benson with extending a time-out period, which indicates how long the incidental information is stored, by an amount based on the function that needs exclusive access control to prevent unexpected session timeouts as described by Yamamoto (abstract).

As per independent claim 7 Force teaches:
 a session management unit configured to manage a series of session first processing steps and incidental information in a state where a session with a client is maintained (see paragraph 118, session management engine and client ID equates to incidental information);
 and a transaction management unit configured to manage a series of indivisible transaction steps performed by using the function ... (paragraph 102, Transaction Processing Server and 120 predetermined transaction functions),

wherein the transaction management unit is configured to end the management of the

transaction processing steps when a management end request is received from the

client (paragraph 102, Transaction Processing Server and 120 predetermined

transaction functions), paragraph 119-120, Session Manager to include end requests).

Force does not explicitly teach performed by using a function that needs exclusive

access control. Ng teaches a function that needs exclusive access control at column 1,

lines 28-30 to provide synchronization of current access at column 1, and lines 20-25. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Force with exclusive access control to provide synchronization of current access

at column 1, lines 20-25.

Force and Ng do not explicitly teach or when a predetermined time-out period expires.

Benson does teach this limitation (paragraph 21, lines 4-5, end transaction call,

paragraph 36, timestamp and Figure 2, ExpireTimestamp). It would have been obvious

to one of ordinary skill in the art at the time of the invention to modify Force and Ng with

when a time-out period expires to support synchronization/recovery (paragraph 36, lines

12-13).

Force in view of Ng in view of Benson do not explicitly teach by extending a time-out

period , which indicates how long the incidental information is stored, by an amount

based on the function that needs exclusive access control. Yamamoto does teach this

limitation at paragraph 13 and 58 as extending timeout intervals to prevent unintended

session timeouts. It would have been obvious to a person of ordinary skill in the art at

the time of the invention was made to modify Force in view of Ng in view of Benson with

extending a time-out period, which indicates how long the incidental information is

stored, by an amount based on the function that needs exclusive access control to

prevent unexpected session timeouts as described by Yamamoto (abstract).

As per independent claim 8 Force teaches:

a session management unit configured to manage a series of session first processing

steps and incidental information in a state where a session with a client is maintained

(see paragraph 118, session management engine and client ID equates to incidental

information);

and a transaction management unit configured to manage a series of indivisible

transaction steps performed by using the function ... (paragraph 102, Transaction

Processing Server and 120 predetermined transaction functions),

wherein the transaction management unit is configured to end the management of the

transaction processing steps when a management end request is received from the

client (paragraph 102, Transaction Processing Server and 120 predetermined

transaction functions), paragraph 119-120, Session Manager to include end requests).

Force does not explicitly teach performed by using a function that needs exclusive

access control. Ng teaches a function that needs exclusive access control at column 1,

lines 28-30 to provide synchronization of current access at column 1, lines 20-25. It

would have been obvious to one of ordinary skill in the art at the time of the invention to modify Force with exclusive access control to provide synchronization of current access at column 1, lines 20-25.

Force and Ng do not explicitly teach or when a time-out period expires. Benson does teach this limitation (paragraph 21, lines 4-5, end transaction call, paragraph 36, timestamp and Figure 2, ExpireTimestamp). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Force and Ng with when a time-out period expires to support synchronization/recovery (paragraph 36, lines 12-13).

Force in view of Ng in view of Benson do not explicitly teach by extending a time-out period , which indicates how long the incidental information is stored, by an amount based on the function that needs exclusive access control. Yamamoto does teach this limitation at paragraph 13 and 58 as extending timeout intervals to prevent unintended session timeouts. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Force in view of Ng in view of Benson with extending a time-out period , which indicates how long the incidental information is stored, by an amount based on the function that needs exclusive access control to prevent unexpected session timeouts as described by Yamamoto (abstract).

As per claim 9, same as claim arguments above and Force in view of Ng in view of Yamamoto do not explicitly teach wherein the transaction management unit is configured to transmit, before the management of the transaction processing steps has begun, , a lock request ... Benson does teach this limitation at

(paragraph 93) to support synchronization/recovery. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Force and Ng with wherein the transaction management unit is configured to transmit, before the management of the transaction processing steps has begun, , a lock request ... to support synchronization/recovery paragraph 36, lines 12-13).

As per claim 10 same as claim arguments above and Benson teaches:
wherein the transaction management unit is configured to transmits, after the management of the transaction processing steps has ended, an unlock request to the module so that inhibition of using the function by other clients than said client is canceled (paragraph 93).

As per claim 14 same as claim arguments above and Force in view of Ng in view of Yamamoto do not explicitly teach the transaction management unit is configured to transmit, before the management of the transaction processing steps is started , a lock request ... (paragraph 93). Benson does teach this limitation at (paragraph 93) to support synchronization/recovery. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Force and Ng with the transaction management unit is configured to transmit, before the management of the transaction processing steps is started, a lock request ... to support synchronization/recovery paragraph 36, lines 12-13).

As per claim 15 same as claim arguments above and Benson teaches:

wherein the transaction management unit is configured to transmit, after the

management of the transaction processing steps has ended, an unlock request ...

(paragraph 93).

5.   Claims 16-23 are rejected based on the same rationale as claims 1-8 above.

Response to Arguments

6.   Applicant's arguments filed October 31, 2008 have been fully considered but they

are not persuasive.

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., "session management unit is part of information processor and is not part of the

client side", "is not executed on the client side") are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). However, Force teaches a session management unit

on the server side (see paragraph 23, lines 9-19). The server includes means for

establishing a secure session with each receiving system.

In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Force teaches

a session management unit configured to manage a series of session first processing

steps and incidental information in a state where a session with a client is maintained

(see paragraph 118, session management engine and client ID equates to incidental

information), and a transaction management unit configured to manage a series of

indivisible transaction steps performed by using the function ... (paragraph 102,

Transaction Processing Server and 120 predetermined transaction functions),

wherein the session management unit is configured to start the management of the

session processing steps when an express management start request is received from

the client (paragraph 119-120, Session Manager receives client request to perform

operations) or when an implicit request to start management of the session processing

steps other than the express management start request is received (paragraph 122

requests from unattended interface module). Force does not explicitly teach performed

by using a function that needs exclusive access control. Ng teaches a function that

needs exclusive access control at column 1, lines 28-30 to provide synchronization of

current access. It would have been obvious to person of ordinary skill in the art at the

time of the invention to modify Force with exclusive access control to provide

synchronization of current access as described by Ng (column 1, lines 20-25). Force

and Ng do not explicitly teach by extending a time-out period, which indicates how long

the incidental information is stored, by an amount based on the function that needs

exclusive access control. Yamamoto does teach this limitation at paragraph 13 and 58

as extending timeout intervals to prevent unintended session timeouts. It would have

been obvious to a person of ordinary skill in the art at the time of the invention was

made to modify Force in view of Ng with extending a time-out period, which indicates

how long the incidental information is stored, by an amount based on the function that

needs exclusive access control to prevent unexpected session timeouts as described by

Yamamoto (abstract).

Contact Information

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-

1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Rayyan
January 18, 2008

JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER